

UNITED STATES OF AMERICA
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

Before Commissioners:

Ruth Y. Goldway, Chairman;
Nanci E. Langley, Vice Chairman;
Mark Acton; and
Robert G. Taub

Complaint of Ramon Lopez

Docket No. C2011-5

ORDER ESTABLISHING PROCEDURES

(Issued February 21, 2012)

I. INTRODUCTION

On July 12, 2011, Ramon Lopez of Coleman, Florida (Complainant) filed a complaint with the Commission alleging that the Postal Service had discontinued mail delivery to his residence in Homestead, Florida.¹ Complainant claims that the Postal Service has unlawfully suspended mail delivery to his residence, causing him to incur unnecessary expenses of approximately \$2,500. *Id.* at 1. He seeks restoration of his mail service and compensatory damages of no less than \$2,500. *Id.* at 2.

¹ Complaint of Ramon Lopez, July 12, 2011 (Complaint).

II. PROCEDURAL HISTORY

Upon receiving the Complaint, the Commission determined that it was most appropriate to treat it as a service inquiry. See 39 CFR 3030.13(b). Isolated incidents affecting few mail users (with narrow exceptions) may be handled under the service inquiry procedures set forth in 39 CFR 3031.11. See 39 CFR 3030.13(a).

Pursuant to such procedures, the Commission referred the matter to the Postal Service for investigation. See 39 CFR 3031.11(a). The Postal Service's response indicated that delivery to Complainant's residence in Homestead had been suspended because his residence was found to be vacant.² Accordingly, and consistent with Postal Service regulations, the letter carrier servicing the route completed a change of address form and mail was held for 10 days at the local post office, after which it was returned to the respective senders. *Id.* at 1.

Because the Postal Service's response appeared to resolve the service inquiry, the Commission dismissed the Complaint as provided in 39 CFR 3031.11(c).³ On September 1, 2011, the Commission received additional correspondence from Complainant drafted as a Reply to the Postal Service's Letter.⁴ The Commission acknowledged the Reply with a letter dated September 9, 2011, notifying him that his Complaint had been dismissed and enclosing a copy of the Order No. 796.

On September 23, 2011, Complainant filed a petition for review of Commission Order No. 796 in the United States Court of Appeals for the District of Columbia Circuit.⁵

² Postal Service letter to Ramon Lopez, July 25, 2011 (Letter).

³ Order Dismissing Complaint, August 10, 2011 (Order No. 796).

⁴ Ramon Lopez's Reply to the United States Postal Service's Response, September 1, 2011 (Reply).

⁵ Petition for Review of Case, *Lopez v. Postal Regulatory Comm'n* (D.C. Cir. 2011) (No. 11-1346) (Petition for Review).

On January 12, 2012, the Commission requested a voluntary remand of Mr. Lopez's case.⁶ It explained that additional efforts by the Commission to address this matter may aid in the resolution of the dispute, stating that "further filings by the parties may help to identify any factual inaccuracies and dispel any remaining misunderstandings concerning the Postal Service's policies and regulations governing the delivery, suspension, and reinstatement of mail to unoccupied residences." *Id.* at 3-4. On February 6, 2012, the Court granted the Commission's Motion for Remand.

III. ADDITIONAL PROCEDURES

In his filings with the Court of Appeals, Mr. Lopez appeared to seek an opportunity to have the Commission consider his Reply to the Postal Service's Letter.

Upon reconsideration, the Commission accepts Mr. Lopez's Reply for filing, and it will consider that submission on its merits. The Commission will also afford Mr. Lopez an opportunity to supplement the Reply with any additional comments that he may have concerning the Letter or his Complaint.

Complainant's supplemental comments are due no later than March 27, 2012. The Postal Service may file a reply no later than April 13, 2012.

Pending receipt of these filings, the Commission stays the operation of rule 3030.12(a). Following receipt of these filings, the Commission will take the Complaint under advisement and will determine the need for any additional procedures.

It is ordered:

1. Complainant's supplemental comments are due no later than March 27, 2012.

⁶ Respondent's Motion for Voluntary Remand of the Case, January 12, 2012.

2. Postal Service reply comments, if any, are due no later than April 13, 2012.

By the Commission.

Shoshana M. Grove
Secretary